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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,061	08/29/2001	Bobby Hu	2186-00501(DVF)	8157
23505	7590	03/22/2006	EXAMINER SHAKERI, HADI	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/942,061		HU, BOBBY	
	Examiner		Art Unit	
	Hadi Shakeri		3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25,40,41,57 and 59-70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25,40,41,57 and 59 is/are allowed.
- 6) ☒ Claim(s) 60-70 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 69 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 69, recites for a cavity and a web, already recited in the parent rendering the claim indefinite for double inclusion.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

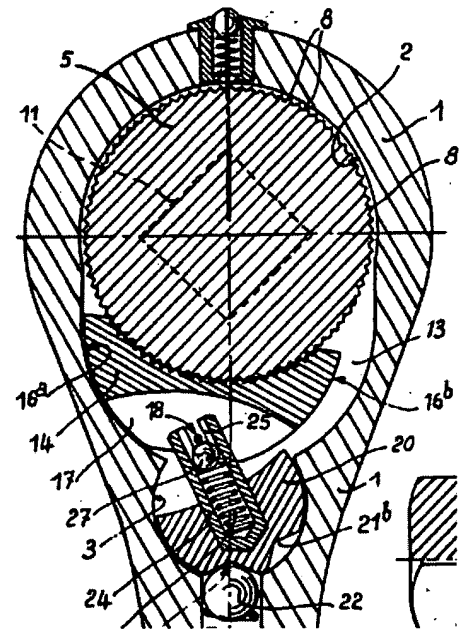
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 60, 62, 63, 66 and 67-70 (as best understood) are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 1 810 811 in view of either Rozmus or Kress.

DE' 811 meets all the limitations of claim 60, i.e., a handle; a head extended from the handle; a cavity (accommodating the pawl) disposed in a web between the handle and the head; a compartment (accommodating the switch 20) disposed in the web having one end communicated with the pawl and a second end communicated with outside; a drive member (11) rotatably mounted in the head, with the drive member including a plurality of teeth formed

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on an outer periphery thereof; a sliding pawl (14) including a first side with a plurality of ratchet teeth for releasably engaging with the teeth of the drive member, with the pawl further including a second side with a recess (17); a rotatable switch member (20) including a turn-piece (19) for manual operation and an actuating plate (20) extended from the turn-piece, the switch member being switchable between two positions for changing ratcheting direction of the drive member by sliding the pawl, with the actuating plate of the switch member including a first receptacle that faces the recess of the pawl and that has a first end wall; an elastic element (26); and a pin (24-27), with the pin and the elastic member being rotatable with the actuating plate and biasing the ratchet teeth of the pawl to engage with the teeth of the drive member, except for the pin to have a first end movably received in the recess and to include a second receptacle with a second end wall, with the elastic element located in the first and second receptacles between the first end wall and the second end wall. Rozmus and Kress each, teaches a spring loaded plunger in which the peg or the plunger has a receptacle accommodating the spring. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of DE' 811 with the spring loaded plunger as taught by either Rozmus or Kress for ease of assembly and to reduce cost.

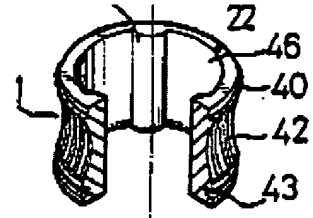


Regarding claims 62, 63, 66 and 67-70, DE' 811 as modified by either Rozmus or Kress meets the limitations, i.e., (Fig. 2); plate extending parallel to the axis of rotation; web having a cavity (accommodating pawl 20) having walls against which pawl engages at each driving position.

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2. Claims 61, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art (DE' 811 in view of either Kress or Rozmus) as applied to claim 60 above, further in view of Chow.

Prior art as applied to claim 60, meets all the limitations of claim 61, except for the drive member to be a recessed gear wheel. Chow teaches a ratchet wrench with a recessed gear wheel. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of prior art with a gear wheel as taught by Chow to adapt the tool for with a recessed gear wheel for engaging with the like fasteners.



Regarding claims 64 and 65, PA meets the limitations, i.e., first annular groove (28), a second annular groove (43), and a C-clip (44).

Allowable Subject Matter

3. Claims 21-25, 40, 41, 57 and 59 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: an elastic member having a first end disposed with the first receptacle and a second end attached to the rotatable switch member (embodiment of, e.g., Fig. 3) in view of approved TD places these claims in condition for allowance.

Response to Arguments

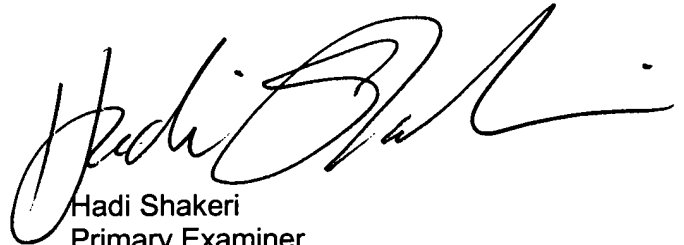
5. Applicant's arguments with respect to 60-70 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', is positioned above the printed name and title.

Hadi Shakeri
Primary Examiner
Art Unit 3723
March 18, 2006